



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,856	03/19/2001	William Ziegler	18133-058	9209

30623 7590 11/29/2002

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

EXAMINER

HYEON, HAE M

ART UNIT	PAPER NUMBER
----------	--------------

2839

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/811,856

Examiner

Hae M Hyeon

Applicant(s)

ZIEGLER ET AL.

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lin (5,389,462).

The admitted prior art discloses the uninterruptible power supplies 10 comprising an input 24 to receive AC power from an AC power source, an output 26 to provide AC power, an inverter 20 to receive DC power and to provide AC power, an energy storage device 18 electrically coupled to the inverter 20, and a transfer switch 14 to select one of the AC power source and the energy storage device 18 as an output power source for the uninterruptible power supplies 10. However, the admitted prior art does not disclose a first connector coupled to the inverter 20 being mated with a second connector coupled to the energy storage device 18 through a plurality of lead wires and the energy storage device 18 including a cap covering a plurality of terminals of the energy storage device 18 and the lead wires.

Lin discloses storage battery comprising a plurality of terminals 19, a pair of lead wires 15, a connector 17 and a cap 12. Each lead wire 15 has a first end connected to one of the terminals 19 and a second end connected to the connector 17. The connector 17 of Lin does not require a use of a tool for mating. The cap 12 of Lin comprised of two pieces 12 and 13 that protect and cover the terminals 19 and the lead wires 15. The cap 12 houses the pair of lead

Art Unit: 2839

wires 15 and the plurality of the battery terminals 19. The pair of lead wires 15 is integrated into the battery cap 12. The lead wires 15 pass out of the battery cap 12 through an opening formed on the cap 12 and terminate in the second connector 17. The lead wires 15 are mounted in a curved groove formed in the cap 12, which inherently provides strain relief for the lead wires 15.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the battery taught by the admitted prior art such that it would have a cap as taught by Lin to protect terminals and lead wires of the battery.

Regarding an underside of the cap being constructed and arranged to provide paths to route the lead wires to the terminals, the cap of Lin has a top side being constructed and arranged to provide paths to route the lead wires 15 to the terminals 19. However, the lead wire routed paths being arranged on the underside of the cap or on the top side of the cap does not change or prevent the lead wires from connecting to the battery terminals.

Regarding the cap providing impact protection, any cap provides certain amount of impact protection.

### ***Response to Arguments***

3. Applicant's arguments filed October 23, 2002 have been fully considered but they are not persuasive.

Lin clearly defines the top end (cap) 12 and the battery 11 to be two separate elements. Lin states that the element 11 to be a container of a conventional battery. It is common knowledge that the conventional battery comprised of a container with two terminals formed either on a top surface or on a side surface. The conventional battery do not have the top end

discloses by Lin. Therefore, the top end 12 of Lin must be a separate part mounted on the top side of the conventional battery. Even if the top end 12 of Lin were not separate part and integral portion of the battery 11, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the top end taught by Lin such that it would be made separate from the container 11 because it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Furthermore, the drawings of Lin do not show the terminals 19 that are connected to the first end of the lead wires 15. Which means that the terminals 19 are located within the top end 12. Therefore, if the top end 12 is integral with the container 11, it will be very difficult to make an electrical connection between the first end of the lead wires 15 and the terminals 19. Lastly, the drawings show clearly a line that separates the top end 12 from the container 11.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,422,198 by Lin shows the lead wires 21 being securely fixed on the top cover 2, which provides good strain relief for the lead wires 21.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

hnh  
November 20, 2002

Hae M Hyeon  
Examiner  
Art Unit 2839

  
LYNN FIELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800